



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

November 13, 2008

Ms. Judi Tapia
Bureau of Reclamation
1243 N Street
Fresno, CA 93721

Subject: Draft Environmental Impact Statement (DEIS) for the South Coast Conduit/Upper
Reach Reliability Project, Santa Barbara County, California (CEQ #20080381)

Dear Ms. Tapia:

The U.S. Environmental Protection Agency (EPA) has reviewed the above project pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act. These comments were also prepared under the authority of, and in accordance with, the provisions of the Federal Guidelines promulgated at 40 CFR 230 under Section 404(b)(1) of the Clean Water Act (CWA). Our detailed comments are enclosed.

Based on our review, we have rated this DEIS LO-1, Lack of Objections, Adequate Information (Summary of EPA Ratings attached). We suggest the FEIS include a discussion of any alternatives that were considered but eliminated from further consideration. We also recommend the FEIS discuss the potential to use directional drilling for creek crossings to avoid impacts to the creek bed and banks that proposed trenching would incur. Additional information should be included in the FEIS to explain the purpose and justification of the 80-foot wide pipeline maintenance easement and whether the impacts of this easement have been quantified as permanent impacts. We recommend the FEIS discuss the potential to avoid oak woodland impacts by field-fitting the pipeline alignment and through structural techniques that prevent root damage. Finally, we ask that the FEIS clarify the mitigation ratios to compensate for riparian resources.

Thank you for the opportunity to review this DEIS. Please send a copy of the Final EIS to us at the address above (Mail Code: CED-2) at the same time it is published with our Headquarters office in Washington DC. If you have any questions, please contact the lead reviewer for this project Paul Amato or me. Paul can be reached at 415-972-3847 or amato.paul@epa.gov; I can be reached at 415-972-3521 or goforth.kathleen@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathleen M. Goforth". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kathleen M. Goforth, Manager
Environmental Review Office

Enclosures: Summary of EPA Rating System
EPA's Detailed Comments

Cc:
Mr. Brett Gray,
Cachuma Operation and Maintenance Board
3301 Laurel Canyon Road
Santa Barbara, CA 93105-2017

Alternatives

The Bureau of Reclamation (Bureau) should present in the Final Impact Statement (FEIS), any alternatives that were eliminated from detailed study and briefly explain why they have been eliminated (40 CFR 1502.14(a)). Currently the DEIS does not appear to mention the elimination of any other alternatives considered.

Recommendation:

The FEIS should include a discussion of any alternatives that were considered but not carried forward for further consideration in the DEIS.

Waters of the United States

Action alternatives would result in impacts to waters of the U.S. (WOUS) and to riparian resources as a result of excavation for pipeline crossings. The DEIS does not discuss alternatives to trenching, such as directional drilling, that might result in lesser impacts to these resources.

Recommendation:

The FEIS should discuss the feasibility of directional drilling over trenching and whether this approach would reduce impacts to WOUS and riparian resources.

Biological Resources

Oak Woodlands

According to the DEIS, a permanent 80 foot-wide easement would be maintained free of large trees over the proposed pipeline alignment but there is no explanation for the size of the easement. It is also not clear from the DEIS whether this is considered a permanent impact to biological resources and whether it has been included in the quantification of biological impacts. The FEIS should clarify why an 80-foot wide easement is needed for the length of the pipeline and whether the maintenance of this easement is included in the vegetation removal amounts in Tables 3.3-2 and 3.3-4.

It is unclear from the DEIS whether impacts to oak woodlands can be further avoided by field-fitting the alignment of the pipeline and by providing structural protection to the proposed pipeline. Currently, the Proposed Alternative, and Alternatives A and B would result in 3.37 acres, 3.26 acres, and 3.41 acres of impacts to oak woodland, respectively. The FEIS should describe whether field-fitting the alignment of the pipeline at time of construction could result in reduced impacts. The FEIS could also commit to implementing a measure that would require field crews to try to identify variations in the pipeline alignment to avoid mature native trees.

Though not explained in the DEIS, EPA assumes that the 80-foot wide easement will be maintained free of large trees to prevent root damage to the pipeline. If this is the case, have the Bureau and the Cachuma Operation and Maintenance Board considered using structural

techniques, like root barriers, to protect the proposed pipeline from root damage and allow for a narrower maintenance easement?

Recommendations:

The FEIS should clarify whether maintaining the 80-foot easement free of trees is included in the quantification of permanent impacts and discuss why an easement this size is needed.

Include in the FEIS a discussion of the feasibility of field-fitting the proposed pipeline to further avoid impacts to trees. If appropriate, the FEIS should commit to a measure that would require field crews to try to identify variations in the pipeline alignment that would reduce impacts to oak woodlands.

The FEIS should discuss available structural measures to protect the pipeline from root damage and whether this is feasible or not.

Riparian Woodlands

The DEIS states that “all riparian woodland removed shall be replaced at a 2:1 ratio, or as mandated in project permits.” The description goes on to say that “for each acre of riparian woodland that can be restored onsite, an additional acre shall be restored offsite” but goes on to commit to restoring all permanently impacted riparian woodland offsite at a 2:1 ratio (p. 3.3-21). Is this intended to commit to providing a mitigation ratio of 2:1 (or higher if required by permits) whether the mitigation is onsite, offsite, or both? Please explain this in the FEIS.

Recommendation:

The discussion of riparian woodland mitigation is confusing and should be clarified in the FEIS.

SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

ENVIRONMENTAL IMPACT OF THE ACTION

LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

ADEQUACY OF THE IMPACT STATEMENT

Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."